

JAN 07 2020

BY: *Asenale*
JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

QUEEN OF VIRGINIA SKILL &)
ENTERTAINMENT, LLC, POM OF)
VIRGINIA, LLC, and MIELE)
MANUFACTURING, INC.,)
Plaintiffs,) Civil Action No. 3:19CV00065
v.)
JOSEPH D. PLATANIA, in his official)
capacity as Commonwealth's attorney for the)
City of Charlottesville,)
Defendant.)

ORDER

By: Hon. Glen E. Conrad
Senior United States District Judge

On June 28, 2019, Plaintiffs filed suit against the Defendant in the Circuit Court for the City of Charlottesville, Virginia, bringing claims arising under state law, as well as under 42 U.S.C. § 1983 and the Due Process Clause of the Fourteenth Amendment. ECF No. 1-2. On October 15, 2019, Defendants removed that case to this court, asserting federal question jurisdiction under 28 U.S.C. § 1331. ECF No. 1.

On December 4, 2019, Plaintiffs filed an amended complaint, which no longer contained claims arising under federal statutes or the United States Constitution. ECF No. 9. On the same day, Plaintiffs filed a motion to remand this case, stating that federal question jurisdiction no longer existed. ECF No. 10. Defendant has not opposed the motion to remand, but filed a motion to dismiss in which he agrees that the Plaintiffs' amended complaint "no longer contains claims under federal law and instead asserts claims exclusively under Virginia law." ECF No. 16 at 2. On January 3, 2020, Plaintiffs filed a notice advising the court that all parties consented to submission of the motion to remand without a hearing. ECF No. 19.

“[W]hen an action has been removed from state court and the district court subsequently loses its basis for original jurisdiction, in most instances the action must be remanded to the state court.” Darcangelo v. Verizon Commc’ns, Inc., 292 F.3d 181, 196 (4th Cir. 2002) (citing 28 U.S.C. § 1447(c) and Roach v. W. Va. Regional Jail and Corr. Facility Auth., 74 F.3d 46 (4th Cir. 1996)). Here, both parties agree that Plaintiffs’ claims no longer arise under federal law or the United States Constitution. There is, therefore, no basis for asserting federal question jurisdiction under 28 U.S.C. § 1331.

For these reasons and hearing no opposition, it is hereby

ORDERED

as follows:

1. Plaintiffs’ motion to remand, ECF No. 10, is **GRANTED**, and this case is **REMANDED** to the Circuit Court for the City of Charlottesville, Virginia;
2. Defendant’s motion to dismiss, ECF No. 15, is **DENIED WITHOUT PREJUDICE** as moot.

The Clerk is directed to send copies of this order to all counsel of record.

DATED: This 7th day of January, 2020



Senior United States District Judge